Office-Supreme Court, U.S.
FILED
JAN 3 1985
ALEXANDER L. STEVAS,
CLERK

84-1074

In the Supreme Court of the United States

OCTOBER TERM, 1984

No. _____

LOWELL M. STROOM,

Petitioner.

v.

JAMES E. CARTER, formerly President of the United States; WALTER F. MONDALE, formerly Vice-President of the United States; RONALD REAGAN, 1980 Presidential Candidate; GEORGE H. W. BUSH, 1980 Vice-Presidential Candidate; STROM THURMOND, President Pro Temp and principal officer of the U.S. Senate; THOMAS P. O'NEILL, Speaker of the U.S. House of Representatives; AMBASSADORS AND APPOINTED U.S. EXECUTIVE DEPARTMENT OFFICERS, unnamed; THE STATES OF ALABAMA, ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, and all other states F through W

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Lowell M. Stroom, Pro Se
123 South 39th Street
Philadelphia
Pennsylvania 19104
(215) 925-0397

QUESTIONS PRESENTED

1. Whether evidence contained in a canvass of the results of balloting in the 1984 Presidential and Vice Presidential Elections on November 6, 1984, establishes that the same Elections were insufficient for failing to conform to the laws of the U. S. Constitution; and whether the 1984 Presidential Elections on November 6, 1984, were largely irrelevant as to Constitutional commands, and fraudulent pursuant to the laws and mandates of the U. S. Constitution.

2. Whether evidence contained in all laws enforced and all ballots cast in the 1984 Presidential and Vice Presidential Elections on November 6, 1984, shows that the same Elections so disenfranchised a large majority of all U. S. citizens, as to fail to qualify any candidates for the

offices of President and Vice President as required by Amendment XX; and whether the same Elections on November 6, 1984, thus provide no candidates to whom the U. S. House of Representatives and the U. S. Senate may give consideration?

3. Whether evidence contained in all ballots provided on November 6, 1984, shows that all U. S. citizens were disenfranchised of an effective ballot and Presidential Election when our nation's most skilled leadership, and organizations most able to provide nominations, were prohibited of participation in the Election, and thus denied a right to vote?

4. Whether evidence contained in the laws enforced and in election results shows that the 1984 Presidential Elections events on November 6, 1984, and earlier in the year, were further void and unconstitutional for seeking to select members of the Electoral College in a way which denies

90 percent of all U. S. citizens of an effective voice in the Election events, and 100 percent of all U. S. citizens, or all effective voters, of the right to vote in an Election to select a Vice President as that right is secured and mandated by Amendment XII?

5. Whether evidence contained in Election-related activities, all ballots provided, and Election results, shows that respondent Reagan and his subordinates conspired to a crime as that crime is defined by the U. S. Code in Title 18, Section 241, and elsewhere, all for which relief is also available in civil proceedings? Section 241 concerns a conspiracy whose intent or effect is to deny U. S. citizens of the Constitutional right to vote effectively in Presidential Elections, and without dilution or abridgment of the right to vote.

6. Whether a Constitutional right

of the People exists which requires adjudication of the laws of Amendments XX, XII, and XIV, and Articles II and VI, when those laws have not previously been adjudicated in the Federal Courts; or whether judicial discretion is sufficient to determine which of the laws of the U. S. Constitution shall be supreme?

7. Whether the Supreme Court will agree to adjudicate the laws of Amendments XX, XIV, and XII, and Articles II and VI, when these laws have not been previously been adjudicated in the Federal Courts, or in any previous case before the Supreme Court?

LIST OF PARTIES

The parties in this case are those who are listed in the title of this action. The Complaint in the District Court contained the further provisions which are discussed in the footnote below.[1]

---

1. Concerning the respondents, the complaint in the lower court would allow Senators of the U. S. Senate to enter pleadings through the President Pro Tempore of the U. S. Senate, Senator Strom Thurmond; and Representatives in the U. S. Congress to enter pleadings through Speaker O'Neill. The complaint finds no error with Senator Thurmond.

The fifty states are enjoined in the action. Since there is duplication of the laws in the fifty states, only the first eight states, listed alphabetically and named in the title, received service in the action. These states are representative of all regions of the United States, and both large and small states. They are chosen without prejudice.

The petitioner has no objection to participation of other states in the Supreme Court. The complaint cites South Carolina v. Katzenbach, 382 U. S. 898 (1965), where the Supreme Court considered similar issues and questions and invited all states to enter pleadings and participate in oral arguments. See South Carolina v. Katzenbach 383 U. S. 301 (1965).

TABLE OF CONTENTS

Questions Presented 1

List of Parties 5

Table of Contents. i

Table of Cases and Authorities

Cases. iii

Authorities iii

U. S. Constitution Provisions iv

U. S. Statute Law . . v

State Election Statute Law vi

U. S. Supreme Court Rules. vi

PETITION FOR WRIT OF CERTIORARI . . 6

Opinions Below 7

Jurisdiction 7

Statutes Involved and U. S. Constitution Provisions 8

Statement of the Case 12

Facts as to Question 1. . . 15

Facts as to Question 2. . . 40

Facts as to Question 3. . . 42

Facts as to Question 4. . . 45

Facts as to Question 5 . . 47

Facts as to Question 6 . . 50

Facts as to Question 7 . . 51

Remedy Sought 52

Jurisdiction of the Lower Courts . 53

Argument: Reasons for Granting the Petition 54

Part I 54
Part II 57
Part III 60
Part IV 61
Part V 62
Part VI 64
Part V 65

Conclusion 65

Appendix

Order Sought to be Reviewed . . A-4

Order Sought to be Reviewed . . A-5

Exhibit 'A', Canvass 4 in Evidence . A-6

Certificate of Service

TABLE OF CASES AND AUTHORITIES

CASES	Page
Ex Parte Yarbrough . . . . 110 U. S. 657 (1883)	63
Reynolds v. Sims, . . . 377 U. S. 533 (1963)	50, 63
South Carolina v. Katzenbach . 382 U. S. 898 (1965)	5, 65
South Carolina v. Katzenbach . . 383 U. S. 301 (1965)	5
U. S. v. Classic . . . . 313 U. S. 299 (1940)	62-63
U. S. v. Mosley . . . . . 238 U. S. 383 (1915)	49

AUTHORITIES

Annals of the Congress of the United States; Volume 13, 1803	22-23
New York Times; November 8, 1984; page A23	32-33, A-6--A-11
Records of the Constitutional Convention of 1787; Madison's Reports, Max Farrand, Editor	16-21, 44, 56

U. S. Census of Population, 1980; Bureau of the Census U. S. Printing Office, Washington, D. C. . 32-33, A-6--A-11

Washington, President; "Farewell to Congress Address" 25

U.S. CONSTITUTION PROVISIONS

Note: All U. S. Constitutional provisions are quoted at pages 8 through 11, herein. The page which quotes the Constitutional provision is underlined below.

Article II

Pages: 4, 9, 14, 16-21, 22, 23, 24, 37, 40, 42, 47, 50, 51, 52.

Article VI

Pages: 4, 10, 14, 16.

Amendment XII

Pages: 3, 4, 10, 14, 16, 22-23, 47, 50, 51, 52, 55.

Amendment XIV

Pages: 4, 10, 14, 16, 23-24, 45, 50, 51, 52.

Amendment XX
Pages: 2, 4, 8, 14, 15, 16, 24, 47, 50, 51, 52.

Amendment XXIV
Pages: 16, 25.

U.S. STATUTE LAW

Note: Principal U. S. Statute Law provisions are quoted at pages 8 through 11, herein. The page which quotes the Statute Law provision is underlined below.

Title 3 U.S.C. Section 19

Pages: 8, 21, 24.

Title 18 U.S.C. Section 241

Pages: 3, 10-11, 47-48, 49, 50, 64.

Title 28 U.S.C. Section 1292

Pages: 53.

Title 28 U.S.C. Section 1331

Pages: 53

Title 28 U.S.C. Section 1343

Pages: 11, 53.

STATE STATUTE LAW

Note: The state election statute law to which reference is made in the text of this petition is listed on pages 11 and 12 herein.

State Election Statute Laws

Pages: 11-12, 14, 21, 23, 28-30, 37-39, 41, 45, 46, 57, 61, 62-63.

U. S. Supreme Court Rules

Rule 17.1(c)

Pages: 50-51, 60-61.

Note: Rule 17.1(c) is quoted at page 50.

In the Supreme Court of the United States

OCTOBER TERM, 1984

No. _____

LOWELL M. STROOM,

Petitioner,

v.

JAMES E. CARTER, formerly President of the United States; WALTER F. MONDALE, formerly Vice-President of the United States; RONALD REAGAN, 1980 Presidential Candidate; GEORGE H. W. BUSH, 1980 Vice-Presidential Candidate; STROM THURMOND, President Pro Temp and principal officer of the U.S. Senate; THOMAS P. O'NEILL, Speaker of the U.S. House of Representatives; AMBASSADORS AND APPOINTED U.S. EXECUTIVE DEPARTMENT OFFICERS, unnamed; THE STATES OF ALABAMA, ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, and all other states F through W.

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

To the Honorable, the Chief Justice and Associate Justices of the Supreme Court of the United States:

Lowell M. Stroom, the petitioner

herein, prays that a writ of certiorari issue to review the judgments of the U. S. Court of Appeals for the Third Circuit, entered in the above entitled case on November 6, 1984, and November 28, 1984.

OPINIONS BELOW

The orders of the U. S. Court of Appeals for the Third Circuit are unreported and are printed in the Appendix, Section iii, herein, at pages A-4 and A-5 . The Court of Appeals entered no findings, opinions or memorandum in the case.

JURISDICTION

The orders of the U. S. Court of Appeals for the Third Circuit were entered on November 6, 1984, and November 28, 1984. The jurisdiction of the Supreme Court is

invoked under 28 U.S.C. §1254(1), which authorizes Supreme Court jurisdiction of all judgments and orders entered in a U. S. Court of Appeals.

STATUTES INVOLVED AND CONSTITUTIONAL PROVISION

The principal laws for which this case seeks adjudication are those contained in Amendment XX, Section 3, which provides and mandates as follows:

> and the Congress may by law provide for the case wherein neither a President-elect nor a Vice-President elect shall have qualified, declaring who shall then act as President, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a President or Vice President shall have qualified.

The Congress has enacted such laws in Title 3, U. S. C., Section 19, which reads:

> If by reason of...inability, or failure to qualify, there is neither a President nor Vice President to discharge the powers and duties of the Office

> of President, then the Speaker of the House of Representatives shall ...act as President. (If)...the Speaker fails to qualify as Acting President, then the President pro tempore of the Senate shall...act as President.
>
> If the discharge of the power and duties of the office is founded in whole or in part in the failure of the President-elect and the Vice-President elect to qualify, then he (the Acting President) shall act only until a President or Vice President qualifies.

Further articles and amendments of the U. S. Constitution which are directly related to Amendment XX are as follows:

> Article II, Section 2.
>
> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the State may be entitled in the Congress: but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector...etc.
>
> Article II, Section 5.
>
> ...and the Congress may by law provide for the case of...inability (disability) both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability is removed, or a President shall be elected. (by intermediate election).

Article VI, Section 2.

The Constitution...shall be the supreme law of the land;

Amendment XII.

...they shall name in their ballot the person voted for as President, and in distinct ballots, the person voted for as Vice President.

Amendment XIV, Section 1.

No state shall make or enforce any law which shall abridge the privileges and immunities of citizens of the United States.

Amendment XIV, Section 2.

Representatives shall be apportioned among the several States according to their respective numbers... But when the right to vote at any election ...for President and Vice President ...is denied to any...inhabitants... or in any way abridged...the basis of representation shall be reduced...

Amendment XIV, Section 5.

The Congress shall have power to enforce by appropriate legislation, the provisions of this article.

The Congress has enacted and reenacted the following legislation pursuant to Article 5 of Amendment XIV.

18 U.S.C. §241 (also applicable law in civil proceedings.)

If two or more persons conspire to injure, oppress, threaten or intimidate

> any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of having exercised the same ...(the conspiracy shall be an offense against the United States).
>
> 28 U.S.C. §1343
>
> (jurisdiction of the Federal Courts shall extend to cases) which redress the deprivation, under color of any state law, statute, ordinance, regulation, custom or usage, of any right, privilege, or immunity secured by the Constitution.

The action challenges the following state election statute law: Alabama, Title 17; Alaska, Title 15; Arizona, Title 16; Arkansas, Title 3; California; Title 7; Colorado; Title 1; Connecticut, Title 9; Delaware, Title 15; Florida, Title IX; Georgia, Title 34; Hawaii, Title 2; Idaho, Title 34; Illinois, Chapter 46; Indiana, Title 3; Iowa, Title IV; Kansas, Chapter 29; Kentucky, Title X; Louisiana, Title 18; Maine, Title 21; Maryland, Article 33; Michigan, Title 6; Minnesota, Part I, Chapter 200; Mississippi, Title 23; Missouri, Title IX; Montana, Title 13; Nebraska,

Title 32; Nevada, Title 24; New Hampshire, Title IV; New Jersey, Title 19; New Mexico, Title 1; New York, Chapter 17, North Carolina, Chapter 163; Ohio, Title 35; Oklahoma, Title 23; Oregon, Title 26; Pennsylvania, Title 25; Rhode Island, Title 17; South Carolina, Title 7; South Dakota, Title 12; Tennessee, Title 2; Texas, Title 9; Utah, Title 20; Vermont, Title 17; Virginia, Title 24.1; Washington, Title 29, West Virginia, Chapter 3; Wyoming, Title 22.

STATEMENT OF THE CASE

This case challenges the constitutionality of the 1984 Presidential Elections. The case was entered into the Supreme Court on July 6, 1984, as number 84-11. During

the course of the proceedings in the Supreme Court, various Presidential Election events occurred as intervening events. Relief from these had first to be sought in the Court of Appeals, whose orders were being reviewed in the Supreme Court. The evidence contained in these intervening Election events and related adjudication establishes: a) that the balloting events on November 6, 1984, were insufficient to qualify any candidates for the offices of President and Vice President; b) that the same events were largely irrelevant as to the mandates and commands of the laws of the U. S. Constitution, as concerns Presidential Elections; c) that the Elections were grievously unconstitutional for depriving, denying, and defrauding a large majority of all U. S. citizens of rights which are secured by the U. S. Constitution; and d) that respondent Reagan and his subordinates conspired to a crime, as that crime is defined in the U. S.

Codes, and for which relief is also available in civil proceedings. The results of the November 6, 1984 Elections further support the request herein for adjudication of the laws of Amendments XII, XIV, and XX, and Articles II and VI.

As to the orders on appeal herein: On November 1, 1984, petitioner herein, made application for an injunction to the U. S. Court of Appeals for the Third Circuit. The injunction would prohibit the enforcement of state election statute laws in the states and so stay and postpone Presidential and Vice Presidential Election balloting which was scheduled for November 6, 1984, pending completion of adjudication of the questions in the Supreme Court. The injunction was filed when evidence showed that the Election was unconstitutional; and when relief, pursuant to Rule 44.4 of the Rules fo the Supreme Court, had first to be sought in the Court whose orders were under review

in the Supreme Court. The Court of Appeals denied the application for injunction by order dated November 6, 1984.

When evidence contained in a canvass of the November 6, Election results further established that the Presidential and Vice Presidential Elections were grievously unconstitutional and damaging, application was made to the Court of Appeals on November 20, 1984, for an injunction which would stay, nullify, and prohibit appointment or certification of members of the Electoral College in the states, pending adjudication of Amendment XX and related Constitutional and statute law. The application for injunction was denied by the Court of Appeals by order dated November 28, 1984.

FACTS AS TO QUESTION 1

Fact 1. To answer Question 1, the petitioner respectfully submits that the honorable Court must first establish

what rights the Constitution secures for the People in Presidential and Vice Presidential Elections. Secondly, the honorable Court must determine whether the Elections provided on November 6, 1984, so conformed to the laws of the U. S. Constitution as to qualify any candidates for the offices pursuant to Amendment XX. The rights of the People in Presidential Elections were first secured in Articles II and VI, and later in Amendments XII, XIV, and XX, and to a lesser extent in such Amendments as XXIV.

Fact 2. Concerning Article II, the concept of government of and by the People and the election of a Chief Executive entirely by the People, was first placed before the Constitutional Convention in 1787, by James Wilson and Benjamin Franklin in the first full week of the Convention, June 2, 1787.[2] The alternatives to this

2. Records of the Constitutional Convention of 1787, from Madison's Reports; edited by Max Farrand.

means of selecting a Chief Executive as considered by the Constitutional Convention were: a Chief Executive chosen by the legislature, the U. S. Congress; and a Chief Executive selected by state officers. The concept which Franklin proposed, the election of a Chief Executive by the People, prevailed at the Convention, and was ratified by the States. It is possible that the States would not have ratified a Constitution which contained any other form of selecting the Chief Executive.[3]

Fact 3. The Articles of Confederation provided for the election of a President by the legislature, the U. S. Congress. This is a concept which all who were present at the Convention were familiar with. The Convention deliberately disposed of this concept, in favor of Elections by the People.

Fact 4. Gouvernor Morris, in support of Franklin at the Convention, presented

---

3. Amendment XXIV states clearly the intent of the Constitution, as to elect a President and Vice President by the People.

arguments in favor of Presidential Elections by the People on August 24, 1787. He argued in favor of: 1) an Executive who was independant of the legislature, the Congress, and 2) he stated that cabal-conspiracy result from presidential elections in Congress.[4] James Wilson, on September 4, 1787, spoke of the unique ability of the people to elect a President. He stated: "He thought the plan on the whole a valuable improvement on the former. (Election by the legislature). It gets rid of one great evil, that of cabal and corruption, & Continental characters will multiply as we (the nation) more and more coalesce, so as to enable the electors (the people) in every part of the union to know and judge them."[5]

Fact 5. The chief opposition to the election of the President by the People, was presented by the smaller states. The

4. See footnote 2.
5. Ibid.

small states were concerned that states with larger populations were more effective in electing a President, when the difference in population between the largest and smaller states was at a ratio of 10 to 1. This difference was resolved by weighting the states Presidential ballots according to a state's representation by population in the House, then adding 2. James Madison commented on this principle on August 24, 1787, saying: "...the rule of voting will give the largest State, compared with the smallest, an influence as 4 to 1 only, although the population is as 10 to 1. This surely cannot be unreasonable as the President is to act for the people not for the States. (emphasis by Madison)."[6] The smaller states agreed to this weighting of ballots. The only contribution then, of what is now called the Electoral College, is to achieve this weighting of ballots. All other rights are reserved entirely for the People.

---

6. Ibid.

Fact 6. Presidential Elections by the People are to achieve majority government of and by the People. James Madison, in convention, discussed this principle on September 7, 1787, saying: "the mode (of election) itself (in the House of Representatives) was liable to the further weighty objection that Representatives of a Minority of the people, might reverse the choice of a majority of the States and of the People. He wished some cure for this inconveniency might yet be provided." (emphasis by Madison).[7] Madison later that day entered a motion which provides for 'intermediate Presidential Elections', which the Convention agreed to.

Fact 7. Madison's provision for an 'intermediate Presidential Election' is contained in Article II, Section 5. An intermediate election is available whenever there are disabilities in the Office of President. These may be legal disabilities

7. Ibid.

or other disabilities. A legal disability is a disqualification. There is no condition in which the laws of the U. S. Constitution would permit an unqualified person, or a person who is later disqualified, from occupying the Office of President.

Fact 8. Title 3, U.S.C., Section 19, was enacted pursuant to Article II. Section 19 requires that the Speaker of the House of Representatives or the President pro tempore of the Senate shall serve as acting President until a disability is removed or until a new President is elected by an intermeditate Election.

Fact 9. Article 6 secures the supremacy of the laws of the U. S. Constitution and the rights of the People in Presidential Elections from dilution or debasement by any state law, statute, ordinance, regulation, custom or usage. Rules of the Courts may be waived such that the rights of the People in Presidential Elections may be secured

pursuant to the laws of the U. S. Constitution.

Fact 10. As to the rights of the People which are secured by Amendment XII, the deliberations of the U. S. Congress on Amendment XII in 1803 are contained in Volume 13 of the Annals of Congress. The deliberations contain essentially the same arguments in support of popular elections by the People as were presented at the Constitutional Convention in 1787. Senator Nicholas' statements, at page 103 of Volume 13 summarize, the argument:

> A reason equally forcible...was that by taking the number three instead of five, you place the choice with more certainty in the people at large, and render the choice more consonant to their wishes... (A)lso, it was a most powerful reason for preferring three that it would render the Chief Magistrate (President) dependant only on the people at large, and independant of any party or state interest. The people hold the sovereign power, and it was intended by the Constitution that they should have the election of the Chief Magistrate... (All) men, in their civil capacity as citizens, are upon complete terms of equality, possessing equal rights and power and in the right of sufferage,

> and in the light of the law, they are equally unites in the mass of society. (at 103).

Amendment XII further secures the right of the People to elect directly a Vice President. This provision amends Article II which provided that each citizen may vote only for candidates for the Office of President. The person, in Amendment II, with the largest number of votes was chosen President, and the person with the next largest, was designated Vice President. Amendment XII provides for a form of election which exists in many of the U. S. state governments, where a Governor and Lt. Governor are elected separately.

Fact 11. As to Amendment XIV, the Amendment protects, and secures judicial protection, for the rights of the People in Presidential Elections. The States may appoint electors as to Presidential Elections. The states are prohibited from appointing electors in Presidential Elections in any

way whose intent or effect is to deny or deprive U. S. citizens of rights secured as to Presidential Elections by the U. S. Constitution. The Supreme Court has ruled that Amendment XIV restricts the application of Amendment XI in the Federal Courts.

Fact 12. As to Amendment XX, the Amendment concerns controversies in Presidential Elections. The Amendment assumes that there may be Elections which fail to qualify a candidate, or any candidate for the offices of President and Vice President. The Amendment states that Congress may enact laws which provide for the condition in which no persons are qualified. The provision is similar to that which is contained in Article II.

Fact 13. The Congress has enacted laws pursuant to Amendment XX which are incorporated into Title 3 U.S.C., Section 19. Section 19 states that the Speaker of the House of Representatives or the

president pro temp of the Senate shall act as President when no candidate for President is qualified by an Election, but only until a new President is qualified.

Fact 14. Amendment XXIV discusses rights of People in Presidential Elections so as to conform accurately to Article II. The Amendment concerns: "The right of citizens of the United States to vote in any primary or other election for President or Vice President".

Fact 15. Commentaries by numerous other authors of the Constitution conform with the facts stated above. President Washington referred to our Constitutional form of government as "popular, majority government, purely elective", in his "Farewell to Congress Address", where he further enunciated the principles which were first presented by Benjamin Franklin at the Constitutional Convention.

Fact 16. Evidence contained in the Election balloting events on November 6, 1984, shows that the 1984 Presidential Election events were insufficient to qualify any candidates for office pursuant to the laws of the Constitution. The Elections were largely irrelevant when Constitutional commands and mandates are considered. The effect of all laws applied to the Elections was an Election which disenfranchised over 90 percent of all eligible U. S. citizens. The Election was unconstitutional.

Fact 17. The effect of the laws was to exclude all but members of Congress and a few state officers from establishing an effective candidacy. The evidence shows that members of the Congress, the Executive Department, and to a lesser extent, state officers, usurp the rights of the People, and circumvent the mandates of the U. S. Constitution, through the guise of national political parties, which are largely

controlled by the persons and groupes named. The Constitution clearly mandates that the President and Vice President shall be chosen by the People from among the People, and not the Congress from among members of the Congress. Further, members of Congress are not preferred by the People as Presidential Candidates. In five of the last six Presidential Elections, since 1964, a member of Congress has been defeated as a candidate in the general election. The alternate to the member of Congress who is listed on the ballot is not often a significant improvement. Thus U. S. citizens are presented with a ballot which provides no genuine choices, which disenfranchises them of effective participation, and which is largely irrelevant.

Fact 18. Evidence from the Election results shows that political parties lack the ability and personel to nominate candidates who are preferred by the People,

In four of the last six Presidential Elections, since 1964, the candidates of political parties have received no Electoral College votes, or nearly no Electoral College votes. The effect of an Election among such candidacies is to provide an Election in which there are no genuine choices, or not to provide an Election at all. Other organizations, which are better able to provide Presidential candidacies, and with preferred personel, are effectively prohibited by unconstitutional laws, from participating in the Elections. The mandates of the Constitution do not leave Presidential Elections to chance. The mandates require that amount of citizen participation which achieves representation of all of the People, and sufficient nominees such that genuine choices are assured.

Fact 19. The names of candidates which appeared on ballots on November 6, 1984, appeared there fraudulently. Evidence

contained in a canvass of all primary Election results in 1984, and state caucus results, shows that respondents Reagan and Mondale each received votes of less than five percent of the eligible voters in the states, and that in states with about 200 Electoral College votes, Reagan and Mondale each received about one (1) percent of the votes of all of the state's eligible voters. These Elections were insufficient to qualify any candidates for the general Elections on November 6, 1984. Their effect was to establish only candidacies representing a very small minority of all U. S. citizens, and to disenfranchise more than 90 percent of all U. S. citizens of any effective participation in Presidential Elections.

Fact 20. Non-party organizations were prohibited participation or presenting of candidates in primary Elections, and persons not affiliated with parties were

denied the right to vote when no names of non-party candidates appeared on the ballots. Clearly the primary Elections were intended to benefit a small minority of U. S. citizens, about ten (10) percent.

Fact 21. As to the Election results on November 6, 1984: A canvass of all ballots cast and all eligible voters on November 6, 1984, provides evidence that the Elections of that day were insufficient and unconstitutional for failing to provide mandated participation by U. S. citizens, and that electors (Electoral College members) were selected unconstitutionally, so as to deprive U. S. citizens of their U. S. Constitutional right to vote in Presidential and Vice Presidential Elections.

Portions of the canvass tabulations are contained on pages 32 and 33. Complete canvass tabulations are included in the Appendix attached hereto, at pages A-6 through A-11.

The canvass lists each of the states in a column marked (a), the electoral college votes of each state in a column marked (b), the ballots cast in each state in a column marked (c), and the eligible voters in each state in 1984 in a column marked (d). Column (e) lists the percentage of all eligible voters in the state who cast ballots that were counted on November 6, 1984. Column (f) shows the number of voters who cast ballots for the leading candidate who was listed on the ballots. Column (g) lists the ballots which were cast for the leading candidate who was listed on the ballot, as a percent of the ballots of all eligible voters in the state. Column (h) shows the number of eligible voters in the state who cast no ballot that was counted, and column (i) shows the votes which were cast for the leading candidate who was listed on the ballot, as a percent of those voters who cast no ballot that was counted.

Fact 22. The evidence shows that those

EXHIBIT 'A'; Canvass 4: Evidence Contained in a Canvass of All Ballots Cast and All Eligible Voters in the 1984 Presidential Elections on November 6, 1984. Source: New York Times, November 8, 1984, page 28A; and the U. S. Census, 1980.[a]

(a) State	(b) Elec Coll Vote	(c) Vote Cast in 1984 General Election (000's)	(d) Eligible Voters in State in 1984 (000's)	(e) % Voters Casting Ballots in 1984 Election	(f) Votes Cast for Leading Candida. (000's)	(g) % of All Votes Lead Candi	(h) Number of Voters Not Voting	(i) Votes for Lead Cand. as % of Those Not Voting
Alab	9	1,398	2,920	48.3	852	29.2	1,532	56
Alas	3	166	290	57.4	115	39.7	124	93
Ariz	7	1,008	2,060	49.0	677	32.9	1,052	64
Arka	6	866	1,726	50.2	530	30.7	860	62
Cali	47	9,121	18,467	49.5	5,305	28.7	9,346	57

Colo	8	1,204	2,225	54.3	769	34.6	1,021	75
Conn	8	1,444	2,443	59.2	883	36.1	999	88
Dela	3	252	458	55.2	151	33.0	206	73
D. C	3	199	530	37.6	172	32.5	333	52
Flor	21	3,980	7,897	50.5	2,583	32.8	3,917	66
Geor	12	1,761	4,080	43.2	1,060	26.0	2,319	46
Hawa	4	332	737	45.2	185	25.1	405	46
Idah	4	405	681	59.6	297	43.6	276	108
Illi	24	4,754	8,748	54.4	2,687	30.7	8,994	67
Indi	12	2,148	4,149	52.0	1,333	32.2	1,001	67
Iowa	8	1,305	2,232	58.6	701	31.4	927	76
Kans	7	1,008	1,833	55.1	676	36.9	825	82

a. Population authorities agree that the number of U. S. citizens who are eligible voters in 1984 is 174 million. This is a slight increase since 1980. New York Times; November 8, 1984; page A23.

who cast no ballot that was counted were the large majority group in the Election, and that respondent Reagan received insufficient ballots to qualify him for the Office of President, as the following facts show.

Fact 23. 270 Electoral College votes are required to elect a President in 1984. In 1984, 174 million U. S. citizens were eligible to cast ballots in the Election on November 6, 1984. Columne (e), page 32, shows that in 12 states with 194 Electors, and the District of Columbia with 3, the number of persons who cast no ballot that was counted exceeded the number of persons who cast ballots for all candidates who were listed on the ballots. In these states the number of eligible voters who did not vote exceeded the number of eligible persons who did vote. These states are those which show less than fifty percent in column (e), as those percentages are underlined in the tabultion. In states with 270 Electoral

College votes, sufficient to decide the Election, 47 percent or more of the citizens who were eligible to cast ballots, cast no ballot that was counted.

Fact 24. In the balloting on November 6, 1984, only about three (3) of ten (10) voters cast ballots for respondent Reagan in states with 270 Electoral College votes. This data is shown in column (g), where the percentage indicates the number of persons in 100 eligible voters who cast ballots for the leading candidate in a given state. The data shows that none of the 50 states had Election results in which 50 percent of the eligible voters cast ballots for respondent Reagan, and in states with 270 Electoral College votes, seven of ten voters cast no ballot for respondent Reagan. When consideration is given to the fact that the ballots contained insufficient nominations to provide genuine choices among candidates; that no candidates were nominated from among our nation's most skilled leadership; and

that a large number of ballots were cast against other candidates rather than 'for' Reagan, it might be said that 8 or 9 of 10 eligible voters cast no effective ballot 'for' respondent Reagan. All of the laws which were applied to the Elections on November 6, 1984, clearly had the effect of depriving the People of any government which approaches majority government. The unconstitutional laws enforced on November 6, 1984, achieve only government by a very small minority, rather than Government by the People.

Fact 25. Column (h) of the tabulation on page 32, herein, shows in evidence the number of citizens who are eligible to vote in each state, and who cast no ballots that were counted, and Column (i) shows the voters who cast ballots for Reagan, as a percent of those who cast no ballot that was counted. The data in Column (i) establishes that the number of persons who cast no ballot that was counted, exceeded

the number of ballots that were cast for Reagan in 46 states with 525 Electoral votes. These are all states in column (i) where the number of votes cast for Reagan is less than 100 percent of those who cast no ballots. Electors from these 46 states, pursuant to Article II and representing the majorities in their states, have Constitutional authority only to vote 'no' for all candidates listed on the ballots on November 6, 1984. Those who cast no ballots had no other effective way to protect their franchise. No candidates were qualified by the November 6, 1984 Elections.

Fact 26. There were no non-party candidates listed on the ballots on November 6, 1984, and thus the laws applied to the Election had the effect of prohibiting such candidacies. Persons who do not affiliate with political parties were disenfranchised of the right to vote. While it was possible to vote for candidates of political parties,

none of the non-affiliating apparently chose to do so, and they were denied of the effective voice, the genuine participation, and the right to vote in Presidential and Vice Presidential Elecions, a right which the U. S. Constitution secures and protects. Election procedures on November 6, 1984, conflict grievously with Constitutional intent as that intent is contained in the quotation which is contained on pages 22 and 23 herein.

Fact 27. The Election events on November 6, 1984, failed to provide the quality and quantity of citizen participation which are essential to achieve relevant and credible nominations. It is not the intent of the Constitution that the availability of relevant candidacies in an Election shall be left to chance. The Constitution requires a sufficient number of candidacies such that relevant and genuine choices are available at the Election, and U. S. citizens are effectively represented on the ballot.

When unconstitutional Election laws effectively restrict nominations to two parties, and none other; and when one or more of these parties lack the capabilities and personel to effectively participate in Election events, and they consistently present nominees for consideration who lack the skills for the office, the Election which follows is fraudulent for lack of candidacies and choice. Effective citizen participation which produces relevant candidacies in an Election, is an absolute prerequisite and essential to Constitutional Presidential Elections.

Fact 28. In summary, the canvass of the November 6, 1984, Election results at page 32 herein, shows that the U. S. Congress and Executive Department, in the guise of political parties, usurp the rights of the People in Presidential Elections. A) U. S. citizens were denied and deprived of an effective ballot with genuine choices. B) There was insufficient citizen participation

which is required to produce relevant and representative nominations. C) The leading candidate listed on the ballot on November 6, received votes of a small minority of U. S. citizens, perhaps 1 or 2 citizens in ten. D) In states with 525 Electoral College votes, the largest group of citizens were those who cast no ballot that was counted. E) Majority government by the People is denied by such an Election. F) The Elections failed in any way to conform to the intent and mandates of the U. S. Constitution. They are insufficient to qualify any candidates. They are largely irrelevant, so as to be unconstitutional.

FACTS AS TO QUESTION 2

Fact 29. The results of Presidential Elections in the states are transmitted to Congress pursuant to Article II, Sections 2 and 3.

Fact 30. Unconstitutional state Election statute law requires that the Electors of the state are selected by the leading Presidential Candidate who is listed on the ballot, or that candidate's representatives.

Fact 31. Persons who are not affiliated with political parties and persons who are not represented by candidates on the ballot, are disenfranchised unconstitutionally of any participation or representation in the Presidential Electors, the Electoral College.

Fact 32. The disenfranchised citizens discussed in Fact 31 are the large effective majority in the November 6, 1984, Presidential Election, perhaps 90 percent of all citizens.

Fact 33. When an Election is insufficient to qualify any candidates for Office, the Election is also insufficient to qualify any state electors, members of the Electoral College. No persons, pursuant to the laws of the U. S. Constitution and state law, are

available to cast the ballots of the states in Congress.

Fact 34. The House of Representatives and the U. S. Senate cannot qualify a president and vice president pursuant to the laws of Article II, Section 2, when no candidates have been qualified by an Election, and no votes cast by Constitutional electors, to whom the Congress may give consideration.

Fact 35. An 'intermediate Election', pursuant to Article II, is required, and is a right of the People, such that a President may be qualified.

FACTS AS TO QUESTION 3

Fact 36. The ballots available on November 6, 1984, and those in the prior five Presidential Elections, are evidence which show that the only effective candidacies which are listed on the ballots are

those which Members of Congress or the Executive Department are permitted to establish. All other U. S. citizens, or nearly 100 percent, were by intent and effect, denied by unconstitutional laws, effective participation as candidates.

Fact 37. The same ballots further show in evidence, that only political parties were permitted to establish candidacies. All other organizations, though they are equally able to present nominations, or better able, are effectively prohibited from doing so by unconstitutional laws.

Fact 38. Among those deprived and disenfranchised of effective participation as Presidential candidates, are our nation's most skilled leadership, including college and university presidents, corporation and business leaders, justices of the Supreme Court, and those with achievements in the professions, arts, and sciences.

Fact 39. The results of four of the last six Presidential general Elections, since 1964, show in evidence that Members of Congress and political parties are not the preferred and qualified candidates for the Office of President, and that the same candidacies are largely irrelevant. In these Elections candidates have received no, or nearly no, Electoral College votes. The candidates are not of the 'Continental character', which James Wilson described as qualifying for the Office of President, as Wilson's statements are quoted on page 18 herein.

Fact 40. An Election in which there is no means by which our most skilled leadership can be elected President, when that leadership is preferred by the People, is an Election which is both fraudulent and unconstitutional.

FACTS AS TO QUESTION 4

Fact 41. Article II, Section 2 requires that the states shall appoint electors who shall transmit the results of Presidential Elections in the states to the U. S. Congress. Amendment XIV of the U. S. Constitution prohibits the states from selecting these electors (the Electoral College) in any way which denies U. S. citizens of their right to vote in Presidential Elections.

Fact 42. Unconstitutional state election statute law requires that the leading candidate who is listed on the ballot, or that candidate's representatives in the state, shall select the state's electors (Electoral College). The effect of these laws is to disenfranchise a large majority of U. S. citizens of their right to an effective vote, when those same citizens are prohibited from having preferred candidates listed on the ballot.

Fact 43. The evidence contained in the canvass of all eligible voters on November 6, 1984, at page 32, shows that the largest group of citizens in 46 states with 525 electoral votes, were those who were disenfranchised and who cast no ballots that were counted. The U. S. Constitution mandates appointment of electors in the states in a way which protects franchise for these and all eligible voters.

Fact 44. Amendment XII secures the right of the People to elect a Vice President separately from the Election of a President.

Fact 45. Unconstitutional state election statute law requires that the leading Presidential candidate shall select the states electors. Those electors deny and deprive U. S. citizens of the right to elect a Vice President, when the electors will only vote for a person who is designated by the Presidential candidate. U. S.

citizens are deprived even of the right of indicating their preference among candidates for the office of Vice President.

Fact 46. The 1984 Presidential Elections are unconstitutional for failing to have participation by Presidential electors (an Electoral College) pursuant to the mandates and commands of Article II and Amendment XX. Amendment XII requires appointment of electors in the state, the Electoral College, such that the electors are able to express the preferences of the People in the state, and not the preferences of Presidential candidates.

FACTS AS TO QUESTION 5

Fact 47. The U. S. Congress has enacted Title 18 U.S.C. §241 pursuant to Section 5 of Amendment XIV. Section 19 secures protection for the rights of the People in Presidential Elections. The

Section defines as a crime against the Constitution, those efforts in conspiracy, whose intent is to deny and deprive U. S. citizens of their rights in Presidential Elections. Identical law is applicable in civil proceedings.

Fact 48. Respondent Reagan issued statements over more than two months, during September and October, 1984, advising the People that Presidential ballots would be restricted to two effectives choices and nominees for President on November 6, 1984. The statements, made under color of law, were clearly intended to misinform citizens of their rights in Presidential Elections, so as to deny and deprive those rights.

Fact 49. The statements were made over several months establishing premeditation, intent, fraud, and malice, rather than negligence.

Fact 50. U. S. Constitutional law requires sufficient and numerous choices

and nominees, such that Elections which are genuine and relevant are assured, and citizen preferences are effectively represented on the ballots.

Fact 51. Effective nominations were restricted to two in the November 6, balloting. Of those two, one received no or nearly no, Electoral College votes. The other nominee, Reagan, apparently received Electoral College votes only because no other candidates were listed on the ballot. A Presidential Election in the United States which contains no relevant choices is fraudulent and unconstitutional.

Fact 52. The Supreme Court has adjudicated and defined this crime in U. S. v. Mosley, 238 U. S. 383 (1915) where the Court said the crime is:

> to injure and oppress certain legally qualified electors, citizens of the United States, in the free exercise and enjoyment of the right and privilege under the Constitution, of voting...

FACTS AS TO QUESTION 6

Fact 53. The lower courts, and the order on appeal, have refused to adjudicate the laws of Amendment XX, and related laws which are contained in Article II and Amendments XII and XIV, apparently pursuant to Rule 17.1(c) of the Rules of the Supreme Court which requires Courts of Appeals not to "decide(d) an important question of federal law which has not been, but should be settled by this (Supreme) Court".

Fact 54. Amendment XX and the related laws quoted in Fact 53 have not been settled or adjudicated by the Supreme Court.

Fact 55. Related Constitutional law in Amendment XIV has been decided by the Supreme Court. These cases, as in Reynolds v. Sims, 377 U.S. 533 (1963), require judgment in favor of Petitioner herein.

Fact 56. The U. S. Constitution mandates supremacy for its laws in Article VI.

It is not left to judicial discretion to determine which of the laws of the Constitution shall be supreme.

Fact 57. Where there is a condition which offends the laws of the Constitution, there is also a relief made mandatory which corrects that condition.

Fact 58. A right to adjudication of the laws of the U. S. Constitution exists, where those laws that hot been previously adjudicated. The lower court should have certified the questions to the Supreme Court or provided other similar relief.

FACTS AS TO QUESTION 7

Fact 59. The petitioner prays that the Court adjudicate the laws of Amendment XX, and the related laws in Article II and Amendments XII and XIV.

Fact 60. The laws invoked are easily

adjudicated. The justices of the Court have adjudicated other portions of Amendment XIV.

Fact 61. Grievous damage and injury accrue when unqualified persons occupy the office of President. Many of our nation's most severe problems may be attributed to this condition.

REMEDY SOUGHT

For relief, this action seeks adjudication of the laws of Amendment XX, and related laws which are contained in Article II and Amendments XII and XIV. Article II and Amendment XX mandate relief in an 'intermediate Presidential Election' to qualify a President and Vice President. The same laws prohibit any persons from occupying the Offices of President and Vice President, who has not been qualified pursuant to the mandates of the U. S.

Constitution. Petitioner seeks the relief which is provided by these laws.

JURISDICTION IN THE LOWER COURTS

The U. S. District Court had jurisdiction pursuant to 28 U.S.C. §1331, which provides for cases in which federal questions are at issue. The Court also had jurisdiction pursuant to 28 U.S.C. §1343, where state laws deny U. S. citizens of rights secured by the U. S. Constitution. The U. S. Court of Appeals for the Third Circuit had jurisdiction pursuant to 28 U.S.C. §1292, where the Court of Appeals shall hear all cases in which final judgment has been entered in the U. S. District Court.

REASONS FOR GRANTING THE PETITION

ARGUMENT

I. THE WRIT SHOULD ISSUE ON THE GROUNDS THAT UNCONTESTABLE EVIDENCE SHOWS THAT A LARGE MAJORITY OF U.S. CITIZENS, NEARLY 100 PERCENT, HAVE BEEN DENIED OF THE CONSTITUTIONAL RIGHT TO VOTE IN THE 1984 PRESIDENTIAL ELECTION.

Uncontestable evidence presented in the 'Statement of the Case', herein, shows that nearly all U. S. citizens have been deprived of an effective right to vote in the 1984 Presidential Elections.

The 1984 Elections failed to provide the citizen participation which is required to produce the Constitutionally mandated nominations that establish genuine and relevant choices in an election for President.

The effect of all Election events in 1984, including those on November 6, 1984, was to achieve an Election for the Office of President by members of Congress and the

Executive Department, rather than by the People, when the authors of the U. S. Constitution deliberately provided laws which prohibit the selection of a President in any way other than by the People.

The leading candidate listed on the ballot, respondent Reagan, received effective ballots of perhaps only one or two of ten U. S. citizens on November 6, 1984, which is insufficient to achieve popular-majority government by the People, as the Constitution secures and mandates.

The largest group of citizens in 46 states with 525 electoral votes were those who cast no ballot that was counted on November 6, 1984.

All U. S. citizens were denied the right to elect a Vice President on November 6, 1984, a right which is secured by Amendment XII.

A large majority, perhaps 90 percent of all U. S. citizens, were denied effective

participation and representation in the selection of state electors, the Electoral College, when those citizens were effectively prohibited from entering candidates and nominees in the Election on November 6, 1984, and when the state's electors are selected only by candidates.

U. S. citizens were denied of candidacies from among our nation's most skilled leadership, 'Continental characters' as James Wilson referred to them, when this group of U. S. citizens were disenfranchised of effective participation on November 6.

U. S. citizens can only protect their franchise in elections such as that on November 6, 1984, by not voting and by seeking judicial intervention.

The number of persons who were denied the effective right to vote on November 6, and those requiring relief, perhaps 90 to 95 percent of all U. S. citizens, is sufficient to change the results of the Election.

II. CERTIORARI SHOULD ISSUE BECAUSE THE FEDERAL QUESTIONS, HEREIN, ARE AMONG THE MOST IMPORTANT THAT THE COURT HAS BEEN ASKED TO DECIDE.

This case presents federal questions which make the case, among the most important which the Supreme Court has been asked to decide in its nearly 200 year history.

Evidence contained in all Presidential Elections since 1964, shows that those who are permitted by state election statute law to present nominations in Presidential Elections lack the skill and personel to effectively participate in those Elections; and that the Elections which result are fraudulent and irrelevant as to Constitutional mandates. In four of the last six Presidential Elections, one of the two effective candidacies have received no, or nearly no, electoral votes in the states. Such Elections provide no relevant or genuine choices, when the candidates presented were largely

irrelevant and unqualified.

The U. S. Constitution does not leave the results of a Presidential Election to chance. The Constitution mandates sufficient citizen participation, such that an Election which provides genuine choices is assured.

It is likely that most of our nation's most severe problems and difficulties in the 20 years since 1964, may be attributed to Presidential Elections which exclude and disenfranchise our nation's most skilled leadership from participation. The problems and opportunities which our nation has had to face, have not had the response which our nation's most skilled leadership are able to provide.

The condition which offends the laws of the U. S. Constitution, is a condition which the authors of the Constitution anticipated, and for which they mandate a relief.

The resolution of the questions which

are contained herein, can do more to improve the quality of life in our nation than any other single event in recent years. The condition complained of impacts on the lives of all U. S. citizens, causing damage and injury from which relief is a right.

The condition complained of impacts on people in nations around the world. The rights of people in nations around the world are more easily denied and abridged, when rights of people in our nation are denied and abridged.

Adjudication of the questions herein, and the issue of certiorari will result in more effective execution of all of the laws of the Constitution; by providing a Constitutional review of laws enacted by the Congress, by the formation of effective fiscal policy, by skilled participation in international dialogues, by more effective use of our national and human resources, and by other such Executive initiatives.

III. CERTIORARI SHOULD ISSUE BECAUSE THE LAWS INVOKED IN THIS ACTION, AMENDMENT XX AND RELATED LAWS OF THE CONSTITUTION, HAVE NOT BE ADJUDICATED IN THE SUPREME COURT.

Certiorari should issue because the laws invoked in the instant case have not been adjudicated or settled in the Supreme Court. Petitioner contends that adjudication of such laws should have priority over cases involving all other laws. Certiorari should be granted in such cases as a matter of right.

The lower courts apparently failed to adjudicate the laws invoked herein because Rule 17.1(c) of the Rules of the Supreme Court states that a "federal court of appeals" shall not decide "an important question of federal law which has not, but should be settled by this (the Supreme) Court". Where the lower court has not decided a question because it should be "settled by the (Supreme) Court", then the

Supreme Court should settle the questions as a matter of right, such that the Federal Courts have performed their duty, and further so that lower courts may decide all such questions in the future.

The condition complained of denies the laws of the U. S. Constitution of their supremacy. Judicial protection for the supremacy of the laws of the Constitution is mandatory.

IV. CERTIORARI SHOULD BE GRANTED BECAUSE THE QUESTIONS ARE EASILY SETTLED.

Certiorari should be granted because the questions are easily adjudicated and settled. The mandates and laws of the Constitution are clear and supreme. No other law is sufficient to deny the Constitution of its mandates and commands. This action challenges any or all laws which are in conflict with the laws of the Constitution.

The evidence contained herein is

uncontestable, and is amenable to measured analysis. Petitioner believes the instant questions can be adjudicated within two weeks, given expedited proceedings.

The relief sought is a mandatory Constitutional relief. Provisions for effective citizen participation in an 'intermediate' Election is presented in the Complaint in this action.

V. CERTIORARI SHOULD BE GRANTED BECAUSE CONSISTENCY WITH OTHER DECISIONS BY THE SUPREME COURT FAVORS JUDGMENT IN FAVOR OF THE PETITIONER.

The Supreme Court has adjudicated cases which concern elective franchise issues, particularly as protected by Amendment XIV. State election statute laws were the subject of U. S. v. Classic, 313 U.S. 299 (1940). The Court decided:

> If the machinery of choice involves two elections, primary and general, rather than one, the right to participate in the choice must include both steps. (at 303), and

> Unless the constitutional protection of the integrity of 'election' extends to primary elections, (the court) is left powerless to effect constitutional purpose. (at319).

Among other decisions by the Court is Ex Parte Yarbrough, 110 U. S. 657 (1883), which was one of the earliest to adjudicate Amendment XIV. In Reynolds v. Sims, 377 U. S. 533 (1963), the Court's opinion summarizes prior opinions of the Court on elective franchise. The Court said:

> And the right of sufferage can be denied by the debasement or dilution of the citizen's vote just as effectively as by wholly prohibiting the free exercise of franchise. (at 533)

And:

> Other rights, even the most basic, are illusory if the right to vote is undermined. Our Constitution leaves no room for classification of people in a way that unnecessarily abridges this right. (at 560).

And:

> A denial of Constitutionally protected rights demands judicial protection. The judicial oath of office requires no less. (at 534).

VI. CERTIORARI SHOULD ISSUE BECAUSE THE CASE PRESENTS EVIDENCE AS TO THE ELEMENTS OF A CRIME AGAINST THE CONSTITUTION.

Presidential Election events in 1984 contain the elements of a crime against the Constitution, as the cime is defined in 18 U.S.C. §241, the conspiracy to deprive U. S. citizens of their effective right to vote, and for which relief is also available in civil proceedings. Respondent Reagan made public statements over several months announcing that citizen participation would be restricted in the Elections. The statements establish premeditation, malice, intent, and fraud. Disenfranchisement is evidenced by the failure of the Election to provide genuine choices. Certiorari should issue to prevent the effectuation of the crime.

VII. DAMAGE AND INJURY OF ALL KINDS ACCRUE FROM THE CONDITION WHICH OFFENDS THE CONSTITUTION.

It is likely that most of our nation's

most severe problems in the years since 1965, are attributable to the condition which offends the Constitution. The damage and injury which result from these problems are certain to continue unless certiorari is granted and the questions herein are adjudicated.

CONCLUSION

WHEREFORE Petitioner respectfully, prays that a writ of certiorari be granted, and that the proceedings follow an expedited schedule, such as the Supreme Court provided in South Carolina v. Katzenbach, 382 U.S. 898 (1965). Motion for such proceedings is filed herewith.

Very respectfully

Lowell M. Stroom
for the Petitioner
123 S. 39th Street
Philadelphia
Pennsylvania
(215)925-0397

December 27, 1984

In the Supreme Court of the United States

OCTOBER TERM, 1984

No. _____

LOWELL M. STROOM,

Petitioner,

v.

JAMES E. CARTER, formerly President of the United States; WALTER F. MONDALE, formerly Vice-President of the United States; RONALD REAGAN, 1980 Presidential Candidate; GEORGE H. W. BUSH, 1980 Vice-Presidential Candidate; STROM THURMOND, President Pro Temp and principal officer of the U.S. Senate; THOMAS P. O'NEILL, Speaker of the U.S. House of Representatives; AMBASSADORS AND APPOINTED U.S. EXECUTIVE DEPARTMENT OFFICERS, unnamed; THE STATES OF ALABAMA, ALASKA, ARIZONA, ARKANSAS, CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, and all other states F through W.

Respondents.

APPENDIX

APPENDIX I

(i.1) Copy of the order on appellant-petitioner's application for an immediate injunction staying and postponing Election events and balloting in Presidential Elections on November 6, 1984, during the pendency of the case in the Supreme Court.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 83-1855

Re: STROOM, LOWELL M.

vs.

CARTER, JAMES E., etc, et al.

Lowell M. Stroom, Appellant

Present: ADAMS, HIGGINBOTHAM and SLOVITER, Circuit Judges.

The foregoing motion is denied.

By the Court,

ADAMS (signed)

Dated: November 6, 1984

(i.2) Copy of the order on appellant' petitioner's application for an immediate injunction staying and nullifying selection and certification of presidential electors pending adjudication of Amendment XX.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 83-1855

RE: STROOM, LOWELL M.
vs.
CARTER, JAMES E., etc.

Lowell M. Stroom, Appellant

Present: ADAMS, HIGGENBOTHAM and SLOVITER, Circuit Judges

Application denied

By the Court,

ADAMS (signed)

Dated: November 28, 1984

APPENDIX II

(ii) Application to Mr. Justice Brennan for issue of an immediate injunction staying, prohibiting and nullifying the selection or certification of members of the electoral college pending docketing and consideration of a petition for writ of certiorari in the Supreme Court.

SUPREME COURT OF THE UNITED STATES

Re: Lowell M. Stroom v, James E. Carter et al.
No. A-440

Deny
Wm. J. Brennan, Jr.
12/10/84

APPENDIX III

(iii.1) A copy of the decree sought to be reviewed in the Supreme Court. The order denies an immediate injunction which stays and postpones Election events and balloting in Presidential Elections on November 6, 1984, during the pendency of the case in the Supreme Court.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 83-1855

Re: STROOM, LOWELL M.
vs.
CARTER, JAMES E., etc, et al.

Lowell M. Stroom, Appellant

Present: ADAMS, HIGGINBOTHAM and SLOVITER, Circuit Judges.

The foregoing motion is denied.

By the Court,
ADAMS (signed)

Dated: November 6, 1984

BEST AVAILABLE COPY

(iii.2) A copy of a second decree sought to be review in the Supreme Court. The order denies an immediate injunction staying, prohibiting, and nullifying the selection or certification of presidential electors, the electoral college, pending adjudication of Amendment XX.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 83-1855

RE: STROOM, LOWELL M.
vs.
CARTER, JAMES E., etc.

Lowell M. Stroom, Appellant

Present: ADAMS, HIGGENBOTHAM and SLOVITER,
Circuit Judges

Application Denied

By the Court,
ADAMS (signed)

Dated: November 28, 1984

EXHIBIT 'A'; Canvass 4: Evidence Contained in a Canvass of All Ballots Cast and All Eligible Voters in the 1984 Presidential Elections on November 6, 1984. Source: New York Times, November 8, 1984, page 28A; and the U. S. Census, 1980.[a]

(a) State	(b) Elec Coll Vote	(c) Vote Cast in 1984 General Election (000's)	(d) Eligible Voters in State in 1984 (000's)	(e) % Voters Casting Ballots in 1984 Election	(f) Votes Cast for Leading Candida. (000's)	(g) % of All Votes Lead Candi	(h) Number of Voters Not Voting	(i) Votes for Lead Cand. as % of Those Not Voting
Alab	9	1,398	2,920	48.3	852	29.2	1,532	56
Alas	3	166	290	57.4	115	39.7	124	93
Ariz	7	1,008	2,060	49.0	677	32.9	1,052	64
Arka	6	866	1,726	50.2	530	30.7	860	62
Cali	47	9,121	18,467	49.5	5,305	28.7	9,346	57

BEST AVAIL

ABLE COPY

Colo	8	1,204	2,225	54.3	769	34.6	1,021	75
Conn	8	1,444	2,443	59.2	883	36.1	999	88
Dela	3	252	458	55.2	151	33.0	206	73
D. C	3	199	530	37.6	172	32.5	333	52
Flor	21	3,980	7,897	50.5	2,583	32.8	3,917	66
Geor	12	1,761	4,080	43.2	1,060	26.0	2,319	46
Hawa	4	332	737	45.2	185	25.1	405	46
Idah	4	405	681	59.6	297	43.6	276	108
Illi	24	4,754	8,748	54.4	2,687	30.7	8,994	67
Indi	12	2,148	4,149	52.0	1,333	32.2	1,001	67
Iowa	8	1,305	2,232	58.6	701	31.4	927	76
Kans	7	1,008	1,833	55.1	676	36.9	825	82

a. Population authorities agree that the number of U. S. citizens who are eligible voters in 1984 is 174 million. This is a slight increase since 1980. New York Times; November 8, 1984; page A23.

EXHIBIT 'A'; Canvass 4, continued: Evidence Contained in a Canvass of All Ballots Cast and All Eligible Voters in the 1984 Presidential Elections on November 6, 1984.

(a) State	(b) Elec Coll Vote	(c) Vote Cast in 1984 General Election (000's)	(d) Eligible Voters in State in 1984 (000's)	(e) % Voters Casting Ballots in 1984 Election	(f) Votes Castfor Leading Candida (000's)	(g) % of All Votes-Lead Candi.	(h) Number of Voters Not Voting	(i) Votes for Lead Cand. a/ % of Those Not Voting
Kent	9	1,351	2,756	49.1	816	29.6	1,405	58
Loui	10	1,678	3,073	54.7	1,030	33.5	1,395	74
Main	4	548	858	63.9	336	39.1	310	108
Mary	10	1,595	3,259	49.0	836	25.7	1,664	50
Mass	13	2,524	4,540	55.7	1,298	28.6	2,016	64

BEST AVAIL

BLE COPY

Mich	20	3,776	6,959	54.3	2,247	32.3	3,183	71
Minn	10	2,065	3,104	66.6	1,040	33.5	1,039	100
Miss	7	937	1,824	51.4	585	32.0	887	66
Miso	11	2,107	3,799	55.6	1,268	33.4	1,692	75
Mont	4	349	593	58.9	214	36.1	244	88
Nebr	5	632	1,200	52.8	448	37.3	568	79
Neva	4	281	625	45.0	189	30.2	344	55
NHam	4	371	709	52.5	255	36.0	338	75
NJer	16	3,170	5,745	55.3	1.915	33.3	2,575	74
NMex	5	505	946	53.5	305	32.1	441	69
NYor	36	6,576	13,758	47.8	3,554	25.8	7,182	49
NCar	13	2,161	4,515	48.0	1,340	29.7	2,354	57

EXHIBIT 'A'; Canvass 4, continued: Evidence Contained a Canvass of All Ballots Cast and All Eligible Voters in the 1984 Presidential Elections on November 6, 1984.

(a) Stat	(b) Elec Coll Vote	(c) Vote Cast in 1984 General Election (000's)	(d) Eligible Voters in State in 1984 (000's)	(e) % Voters Casting Ballots in 1984 Election	(f) Votes Cast for Leading Candida. (000's)	(g) % of All Votes Lead Candi	(h) Number of Voters Not Voting	(i) Votes for Lead Cand. as % of Those Not Voting
NDak	3	303	494	61.5	199	40.3	191	57
Ohio	23	4,461	8,235	54.3	2,655	32.2	3,774	70
Okla	8	1,247	2,320	53.9	862	37.2	1,073	80
Oreg	7	1,149	2,042	56.4	640	31.3	893	72
Penn	25	4,785	9,344	51.3	2,572	27.5	4,559	56

BEST AVAILABLE

RIsl	4	396	753	52.8	204	27.1	359	57
SCar	8	879	2,330	37.8	562	24.1	1,451	39
SDak	3	313	519	60.4	198	38.2	206	96
Tenn	11	1,709	3,520	48.6	1,003	28.5	1,811	55
Texa	29	5,249	10,608	49.6	3,352	31.6	5,359	63
Utah	5	622	985	63.2	467	47.4	363	129
Verm	3	229	391	58.7	134	34.3	162	83
Virg	12	2,137	4,139	51.7	1,338	32.3	2,002	67
Wash	10	1,681	3,200	52.7	945	29.5	1,519	62
WVir	6	724	1,486	48.8	400	26.9	762	52
Wisc	11	2,191	3,590	61.1	1,198	33.4	1,399	86
Wyom	3	185	346	53.5	132	38.0	161	81

Certificate of Service

Lowell M. Stroom, Petitioner above named, certifies that all persons required to be served in these proceedings are served pursuant to rule 28.4 of the Rules of the U. S. Supreme Court, on the date of filing in the U. S. Supreme Court.

I

Service of three copies of the 'Petition for Writ of Certiorari' is made on the Solicitor General of the United States, U. S. Department of Justice, Washington, D. C. 20530, pursuant to Rule 28.4(a), by handing three copies of the 'Petition' with Appendix to a person who is authorized to accept same.

II

Service of three copies of the same 'Petition/Appendix' is made pursuant to Rule 28.4(a) to Senator Strom Thurmond,

BEST AVAIL

President Pro Tempore, U. S. Senate. Service is made, at the request of the Senator, by handing three copies to a person in the office of Senate Legal Counsel, 642 Senate Hart Office Building, Washington, D. C., that person being authorized to accept such service. Service to Speaker O'Neill is made by handing three copies to an authorized person in the office of legal counsel, Clerk of the House, Room H-105, U. S. Capitol, Washington, D. C. 20515.

III

Service of three copies of the same 'Petition' is made pursuant to Rule 28.4(a) by first class pre-paid U. S. Mail to each of the following:

1) James E. Carter, Plains, Georgia 31780

2) Walter F. Mondale, 3421 Lowell St. N. W. Washington, D. C. 20016

3) Ronald Reagan, 1600 Pennsylvania Ave. N. W.; Washington, D. C. 20500

4) George H. W. Bush, 1600 Pennsylvania Ave. N. W.; Washington, D. C. 20500

ARLE COPY

IV

Further service on Ambassadors and U. S. Executive Department Officers, unnamed is made by handing three copies to persons in the Solicitor General's Office as described in the paragraph numbered I above.

V

Pursuant to Rule 28.4(c), three copies of the same 'Petition' with Appendix are served by pre-paid first class U. S. mail, to the Attorney General of each of the states named in the title of this proceeding. Service is made as follows:

1) State of Alabama; Office of the Attorney General of Alabama; Mr. Charles A. Graddick; 250 Administrative Building; Montgomery, Alabama 36130

2) State of Alaska; Office of the Attorney General of Alaska; Mr. Wilson Condon; Department of Law; 40 State Capitol; 120 4th Street; Pouch K; Juneau, Alaska 99811

3) State of Arizona; Office of the Attorney General; Mr. Robert Corbin; 1275 W. Washington Street; Phoenix, Arizona 85007

4) State of Arkansas; Office of the Attorney General; State Capitol; Little Rock; Arkansas 72201

5) State of California; Office of the Attorney General; Mr. John van de Kamp; Department of Justice; 555 Capitol Mall; Ste 350; Sacramento, California 95814

6) State of Colorado; Office of the Attorney General; Mr. Duane Woodward; State Services Building; 1525 Sherman Street; Denver, Colorado 80203

7) State of Connecticut; Office of the Attorney General; Mr. Joseph I. Liebermann; 30 Trinity Street; Hartford, Connecticut 06106

8) State of Delaware; Office of the Attorney General; Mr. Charles Oberly; Department of Justice; Elbert N. Carver State Office Building; 820 N. French Street; Wilmington, Delaware 19801

BY

Lowell M. Stroom
Box D-6
123 S. 39th Street
Philadelphia
Pennsylvania 19104

Dated: December 27, 1984